

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JUNE 16, 2005, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb
	Mareth Kipp	Betty Willert	Gary Goodchild

Commission

Members Absent: Ellen Gennrich

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
Elfriede Sprague, Clerk III
Kathy Moore, Senior Planner
Sandy Scherer, Senior Planner

Guests Present:	Scott Naylor	Steve Durni	Brian Depies
	Brett Etzel	Gary Etzel	Pat Johnson
	Tom McAdams	Lee Sievert	Clay Pichler
	John H. Taylor	Francis Heitz Taylor	Tim Michelic
	Debbie Michelic	Gayle Schmitt	Atty. Murn
	Dale Kolbeck	Atty. Rebecca Roeker	

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

MINUTES

- *Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the April 28, Minutes.*
- *Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the May 19, 2005, Minutes as corrected.*
- **ZT-1565 (Bielinski Homes) Town of Waukesha, Section 24 (RE Residential Estate and R-1 Residential District to the R-2 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property as the Illing and Timm properties on the aerial photograph and that the proposed area of rezoning abutted Minooka Park on the east, in the Town of Waukesha.

Mr. Baade noted per the Staff Recommendation, that the Town had no intention of doing a Conservation Cluster Development and wondered why? Mr. Mace answered that they originally intended to do so in 2002, when the County approved it. However, now the Town, for whatever reason, does not want a PUD. Earlier this year when Mr. Engelking presented this new proposal, Mr. Mace informed him that per the old file, the proposal was required to be a Conservation Design Subdivision. Less than one acre

lots were not allowed in a one acre zoned area unless it was PUD. He noted that the plat could not be approved, as a Conditional Use did not authorize it; therefore, to accommodate the smaller lots it needed to be rezoned. Mrs. Willert noted that at the first Town hearing there were approximately 60 letters objecting to the rezoning with many people present and that the second hearing had a much smaller number. Mr. Depies, representing Bielinski, reasoned it was because the notice for the second hearing made it clear Bielinski was returning with the same concept, but under a different zoning category. Most of the public's questions were already answered and the Town supported the project. Mrs. Kipp asked if a conservation type subdivision was originally discussed, why are we approving this project? Mr. Kolb replied that the Town was 100% behind this project. Mr. Mace commented that per his understanding, the Town of Waukesha does not necessarily embrace the general concept of a PUD or a Conservation Design Subdivision and he does not know why they chose this layout, however, they do intend to preserve and protect the upland woods with five-acre lots.

Mr. Depies presented the Preliminary Plat and addressed some of the Commission's concerns. He pointed out the heavily wooded area depicted as an Isolated Natural Resource area. Lots 51 and 52 would be five plus acres in size with proposed limitations on them and any lots backing up to them will also have limitations prohibiting building into them. The lots abutting the Isolated Natural Resource area will have building envelopes and septic areas and be kept out of the Isolated Natural Resource area. Bielinski will make every effort to preserve the tree lines during the building process. Mrs. Kipp said it was her understanding the City of New Berlin was designating the western portion of the city at five-acre lot sizes. What are they doing with the parcel that abuts the proposal? Mr. Mace replied that he has not seen a layout and was unsure. Mrs. Kipp asked where was the road access? Mr. Depies replied just to the south of the existing farm buildings and on Beeheim Road. Mrs. Haukohl asked what was the condition on the present Conditional R-1 zoning? Mr. Mace replied the conditions were outlined under the Town Plan Commission and the Town Board Actions in the Staff Report. Mrs. Kipp asked about the lot sizes to the south, and Mr. Mace presented several on the GIS showing lot sizes ranging from one to three acres and one being 11 acres in size. Mrs. Haukohl asked if the subdivision was entirely on septic and if the soils were appropriate? Mr. Mace replied, "Yes" and said the soils were good. Mrs. Kipp asked if there were extra-territorial issues? Mr. Mace replied not in zoning, however, in platting there will be. Mrs. Haukohl asked where was the condition preserving the wooded area and if the Commission approved this request, would it protect the trees? Mr. Mace replied that it was in the Town Ordinance.

After discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1387A (Steve Durni) Town of Ottawa, Section 26**

Mr. Mace presented the "Staff Memorandum" dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property at W358 S4705 Chickory Ct., abutting the Kettle Moraine State Forest in the Town of Ottawa on the aerial photograph, and stated the petitioner is requesting reconsideration of Condition No. 11 of the May 19, 2005 Commission meeting, asking for 6,000 sq. ft. of restoration.

Mr. Durni, the petitioner, stepped forward and questioned why he needed 6,000 sq. ft. of restoration when the Ordinance allowed him 32,000 sq. ft. of disturbance? He is currently at 27,000 sq. ft., and if he is required to restore another 6,000 sq. ft., he would be at 21,000 sq. ft. Ms. Scherer, Senior Planner, arrived at the meeting and said it was one of the conditions the Commission added to the Staff Report and Recommendation at the May 19, 2005, meeting. The Commission had decided after viewing the photographs of the site, it was more than just brush removed and since the area was Primary

Environmental Corridor abutting the Kettle Moraine State Forest, Mr. Durni should restore some of the area. Mr. Durni replied the area in question does not abut the forest and he removed mostly dead pines. Mr. Goodchild asked if we could restrict more than the Ordinance allowed? Mr. Mace answered the Ordinance was a maximum standard and the Commission had recommended Mr. Durni's request be approved subject to a number of conditions. Mr. Kolb asked if it was the purview of the Commission to tell the petitioner he has to reduce his square footage if the Ordinance allows him to have 32,000 sq. ft. of disturbance, and what was the reasoning for making him cut back on his building envelope? Mr. Mace replied it is the right of the Commission to decide otherwise if they deem it appropriate. Mrs. Haukohl and Mrs. Kipp said there were many violations and this was viewed as an excessive amount of tree removal. Mr. Mace presented the photographs of Mr. Durni's property and said the intent of the Commission was to preserve and protect the Isolated Natural area as much as possible, and the Commission felt it was not justifiable to cut down such a large amount of vegetation. Mr. Kolb disagreed with the Commission and reiterated that the Commission did not give Mr. Durni the 32,000 sq. ft. building envelope they could have. Mr. Mace replied, "Yes", however the grading was more than the 30 feet allowed and therefore Mr. Durni had applied for an after-the-fact Conditional Use. The Commission voted to approve it subject to the restoration. Mr. Goodchild felt that Mr. Durni should be accommodated in the same manner as a new home and asked if this were new construction, could he have the entire 32,000 sq. ft. to accommodate a new residence? The Commission replied, "Yes", however this was an existing home and the grading went beyond the allowable amount. Mr. Goodchild said if a Conditional Use Permit were issued to do so, he would disagree with approving a condition that was less than the allowable amount. Mr. Kolb added that the Commission, not the Staff added the condition. Mr. Baade asked where did the fill come from? Mr. Durni replied it was already there. He intended to spread it out to create a play area for his children, as his front yard was steeply sloped. He commented that if he were to restore the 6,000 sq. ft. the Commission required, after putting in the 24-foot aboveground pool, there would not be any yard left for his family to use.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild for approval in accordance with the "Staff Memorandum", without the 6,000 sq. ft. restoration area required by the Park and Planning Commission at their May 19, 2005 meeting. The motion to reconsider failed due to a tie vote of 3 to 3 (Mr. Kolb, Mr. Baade, Mr. Goodchild voted yes and Mrs. Haukohl, Mrs. Willert and Mrs. Kipp voted no).

• **SCU-1353 and SZT-1505 (Tom McAdams/Eagle's Preserve) Town of Eagle, Section 26**

Mr. Mace presented the "Staff Memorandum" dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property in the Town of Eagle on the aerial photograph and indicated that Kathy Moore is updating the Commission with respect to the grading issues on Lot 9, 10 and 11 of Eagles Preserve Subdivision.

Mr. Mace explained there were approximately 40 acres of critical species habitat in the outlot area (Kittentail and Blanding Turtle) on the plat. It was very rolling with potholes and the back of the involved lots had a 50-foot buffer restriction from the critical species area. Mrs. Moore presented photographs and explained the progress to date. Lot 9 has been issued a Zoning Permit, but the grades need to be addressed. Lot 10 has a started basement and Lot 11 has not yet applied for Zoning or Sanitary Permits. Mrs. Haukohl questioned Condition No. 2, stating the Commission needs to clarify the type of vegetation allowed in the 50-foot buffer? Mrs. Moore replied a clarification was needed because there were two items on the Subdivision Plat, the 50-foot non-disturbance area and a condition about Note 14 saying "no construction within that area". Was it intended to be preserved in grass, mowed grass, or a lawn with no buildings, as it was previously a farm field? Mrs. Haukohl noted a Sanitary Permit had been applied for in that area. Mrs. Moore responded that per the Environmental Health Division, this was the best place for the sanitary system as it was already disturbed area; it would not be

a mound system but a conventional below ground system. Mr. Goodchild asked the reason for the buffer? Mrs. Moore replied the Commission conditioned the buffer as part of the Conditional Use Permit and believes it was because of the critical species area. Mrs. Kipp asked what was the difference in elevations on Lot 10? Mr. Mace replied that the front was fairly level and then it drops into a wooded area at the back. Mrs. Haukohl asked where did the 50-foot buffer start? Mrs. Moore pointed out the area on the plat and commented that Lot 9 did not have a critical species issue. Mr. Mace inquired about the lot sizes, to which Mr. McAdams, the developer, replied approximately one and one half (1-½) acres. Mr. Goodchild questioned the topsoil piles and Mrs. Moore replied the developer's Deed Restrictions required all of it be hauled off the site. She explained Lot 10 has a Zoning Permit issued and the top of the foundation is at a much higher grade than anticipated because the owner is trying to create an exposed basement. There is a Master Grading Plan the Land Resources Division reviewed which showed one lot having a partial exposure and the other two having none. Now all three of the lot owners would like an exposed basement. She read and clarified the conditions from the Staff Memorandum. Mrs. Moore explained that at this point, Lot 10 is the only one that has created a disturbance in the buffer zone and the type of vegetation allowed needs to be clarified in the buffer zone for Lots 10 and 11. A discussion ensued regarding the clarification and it was agreed a child's play set would be allowed. Mrs. Willert asked prior to basement construction, why didn't the owner know about the buffer, because it was clearly marked on the map? Mrs. Moore replied that the Master Grading Plan showed proposed house elevations; however, Lot 10's owner did not get final approval or grading review from the Architectural Control Committee, in this case being the developer, before starting construction. The developer should have checked with the Master Grading Plan and noticed that the proposed house did not fit the potential elevations. She explained to the Commission the different lot grades, the drainage problems involved with each of them and suggestions for accommodating the new homes. Mr. Baade asked for comments from the public.

Mr. Weiss, owner of Lot 10 said he spoke with Leif Hauge, from the Land Resources Division, and asked him about keeping his walkout basement, which he very much wanted to do. Mr. Hauge said that it could be done if he were to install a dry well to provide drainage away from his house. Mrs. Kipp asked what was the distance from the back of the house to the 50-foot buffer? Mrs. Moore replied approximately 6 feet. Mr. Weiss explained his intended patio design with steps leading up into the buffer area. Mr. Mace asked if he has presented this revised plan to the Architectural Control Committee? Mr. Weiss replied it was the reason the three lots owners were at the meeting; they were looking to have RSV Engineering's new Master Grading Plan approved. Mr. McAdams commented he had Mr. Weiss's revised plan; however, he could not approve it without knowing what the County was going to allow on the lot. Mr. Goodchild felt the Planning and Zoning Division Staff and the Commission should not be changing the house plan as long as Mr. Weiss stayed out of the buffer. The Commission felt there were drainage issues involved with his revised plan and it was ill advised.

Mr. Petzel, builder for Lot 9, stepped forward and questioned Condition No. 7, regarding the setback line and presented different house and grade options, allowing Lot 9's owner to also have an exposed basement. He felt that RSV Engineering's proposed Grading Plan would work well for all three lots.

Mr. Keenan, representing Lot 11, stepped forward and said he anticipated that RSV Engineering had approved the elevations so he also could have a walkout basement.

Mrs. Moore asked Mr. McAdam when reviewing architectural plans; do they check the Master Grading Plan to determine which homes should be split level or one story? Mr. McAdams replied that he does not; the owners and builders need to determine for themselves if the type of house they wish to build will fit on the property. He explained the owner of Lot 10 created the problems with the lots on either side of him (Lots 9 and 11), when he proceeded with construction without approvals, thus putting his

house much higher than the suggested yard grade. Mr. Weiss has now hired RSV Engineering to develop a workable yard grade plan, which would encompass all three lots. Mr. Goodchild said that he felt uncomfortable with redesigning the homes to fit on the lots. Mrs. Moore explained that per the Ordinance, only necessary backfill and excavation is allowed during normal home construction, otherwise special permits are required. These homes were not designed for the lots and did not involve normal excavation.

Mr. Stewart, owner of Lot 9 indicated he specifically purchased his lot with the intention of building a house with an exposed basement. He talked to Mr. McAdams and the Town Engineer regarding his plans, and they had approved them. He thought he had gone through the proper channels and was upset he now needed County approval. He disagreed with the Staff's recommendation regarding the changes to his house. He also agreed with the proposed Grading Plan submitted by RSV Engineering. Mr. Mace explained that RSV Engineering had just submitted the new plan on June 14, 2005 to the Planning and Zoning Division Staff. Mrs. Moore replied that Lot 11's septic situation was still undetermined, as no soils tests were taken. She met with the Town of Eagle on site and went to the Town Hall, which had about 20 interested parties present, to find a solution to the problem so building could proceed on all lots. RSV Engineering explained the proposed Grading Plan, which would give everyone an exposed basement. Mr. Mace replied that some of the plan would encroach on the buffer. Mrs. Kipp called the question and said that we were re-engineering everyone's home and that was not the Commission's purpose.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the "Staff Memorandum" with a modification to Condition No. 2, which will now read.

- 2. The requirement of "50 foot undisturbed buffer" was clarified by the Commission as to the type of vegetation to be maintained in said 50 foot area. The Commission deemed the vegetative type and activities to be allowed in the buffer area. Mowed grass and gardens or naturalized vegetation is allowed along with the septic system only for Lot 10, based on the unauthorized disturbance of the area, may be allowed within the buffer area. No structures of any kind, although children's play apparatus would be permitted. Otherwise, no other earth altering activities (fill, soil stock piling, grading) is allowed within said buffer area. A Restoration Plan for the area already disturbed and a Letter of Credit be presented to the Staff of the Waukesha County Department of Parks and Land Use for their review and approval, prior to any further commencement of construction of the home on Lot 10 and that an agreement be drawn up for that buffer area requiring that the buffer area be stabilized prior to occupancy of the home on Lot 10, and an agreement to ensure that the buffer is maintained as established above shall be recorded with the Waukesha County Register of Deeds office.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• SCU-1387A (Steve Durni) Town of Ottawa, Section 26

After a brief discussion Mrs. Kipp moved, seconded by Mrs. Haukohl and carried unanimously to reconsider their previous action and to place the matter on the June 30, 2005 Park and Planning Commission meeting agenda. It was requested that Atty. Price from Waukesha County Corporation Counsel's office be present at the meeting.

• **CS-962 Gayle Schmitt) Town of Vernon, Section 14**

Mr. Mace presented the “Staff Memorandum” dated May 19, 2005, and made a part of these Minutes. He pointed out the location of the property on the north side of Edgewood Ave., approximately ¾ mile west of S.T.H. 164 in the Town of Vernon on the aerial photograph, and stated the petitioner is requesting the creation of a “flag lot” (lot not abutting a public road).

(Matter referred back to the Planning and Zoning Division Staff at the April 28, 2005, meeting)

Mr. Mace pointed out the high power lines and towers, which run through the lot and explained the proposed lot split with the two building sites and driveway. Mrs. Moore said she was directed to talk to Atty. Price, from the Corporation Counsel’s office, at the last meeting to determine if the Planning and Zoning Division Staff was interpreting the Ordinance correctly. The issues were: 1) Could construction be allowed in Class I and II soils in the RRD-5, and 2) If a lot partially in and out of the Environmental Corridor could be created with the building envelope only in the Corridor? It was felt, per Attorney Price, that the Staff was interpreting the Ordinance correctly. Mrs. Moore proceeded to explain the Staff’s recommendation and conditions for creation of the “flag lot”. Mrs. Kipp asked who owns the current septic system and Mrs. Moore replied it was for one of the new proposed lots. Mrs. Kipp asked why was there a split in the two red dividing lines on the aerial photo? Mr. Mace replied that there was a discrepancy in legal descriptions and Mrs. Schmitt was hoping to have it corrected with the creation of the two lot Certified Survey Map.

Attorney Murn said he had an issue with the rezoning requirement as the previous Staff Recommendations did not require rezoning and felt the proposal was legal under the Ordinance. He also disagreed with the soil types that were being listed. He said USDA maps were used for the soil types and what exists on the ground is not necessarily depicted on the maps. Mr. Hilmer of Hilmer Engineering has tested the soils and does not believe they are Class I and II soils; the SEWRPC map does not list the area as Prime Ag and he questioned the RRD-5 zoning classification. He said that a rezone was not required on a Certified Survey Map. He disagreed with the Planning and Zoning Division’s Staff recommendation regarding the parcel split and said the Zoning Ordinance did allow a parcel partially inside and outside of the Environmental Corridor. Mrs. Schmitt was willing to deed restrict the parcels and place a building envelope on Lot 2; however, she did not want to divide the land into a north/south division because of the ownership strip that would be created. He requested the opportunity to meet with Asst. Corporation Counsel, Deborah Price, privately to discuss the Ordinance requirements.

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, to table the matter to allow Attorney Price from Waukesha County Corporation Counsel’s office, and Attorney Murn for the Petitioner, the opportunity to further discuss the legal issues.

• **SCU-1332A (Mission Lakes) Town of Oconomowoc, Section 36**

Mr. Mace presented the “Staff Memorandum” dated June 16, 2005, and made a part of these Minutes. He pointed out the property at N50 W34851 West Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph, and stated the petitioner is requesting to amend an existing Conditional Use Permit to allow for the construction of a boathouse, handicapped ramp, piers, wharfs and possible grading.

Mrs. Haukohl questioned Condition No. 2 and asked what was the viewing corridor as proposed? Mr. Mace presented the aerial photo and described the area, locations of the building, where the clearing would be and what has been done. He pointed out the location of the proposed wharf and piers. Mr. Mace explained that the wharf was necessary in this area because of the steep slope, right to the edge of the water. The stairway to the wharf would be four (4) feet wide and be located on a path that was previously used by children of an old school. Mr. Baade inquired about handicapped accessibility. Mr.

Naylor, representing Mission Lakes, responded there would be to the boathouse, but not to the western areas. Condition No. 5 was questioned regarding the ramp being made of a raised wooden stairway and Mr. Naylor replied the labeling of wooden stairway would be changed to wooden ramp and that he will clarify it with the Planning and Zoning Division Staff.

After discussion, Mrs. Kipp moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-1402(John Heintz Taylor) Town of Genesee, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated June 16, 2005, and made a part of these Minutes. He pointed out the property at N50 W34851 West Wisconsin Avenue in the Town of Genesee on the aerial photograph, and stated the petitioner is requesting an unspecified Conditional Use for outside storage and parking.

Mr. Mace explained that in the 1950’s the area was an old gravel pit, which was never restored. The area Mr. Heintz Taylor would be using is relatively flat and would not require excessive grading. The access to the area would remain the same. The property is currently well screened from the road and would be enclosed with security fencing.

After discussion, Mrs. Kipp moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-05-GNT-5 (John Heintz Taylor) Town of Genesee, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated June 16, 2005, and made a part of these Minutes. He pointed out the property at N50 W34851 West Wisconsin Avenue in the Town of Genesee on the aerial photograph, and stated the petitioner is requesting a Site Plan/Plan of Operation for an outside storage and parking business.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-1402.

After discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-1373A (Freedom Fireworks/Mark Brickman) Town of Vernon, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated June 16, 2005, and made a part of these Minutes. He pointed out the property at S72 W23645 National Avenue in the Town of Vernon on the aerial photograph, and stated the petitioner is requesting a Conditional Use for signage related to the temporary outdoor retail sales of Class “C” fireworks.

Mr. Mace explained that this request was similar to many of the firework sale Conditional Uses that have been before the Commission. Mr. Baade noted that the Conditional Use was for permanent annual usage. Mr. Mace replied that it was, unless it was terminated; however, it was subject to yearly Town review. The Commission agreed it was well conditioned and in accordance with other similar approvals.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances

- **PO-05-VNT-4 (Freedom Fireworks/Mark Brickman) Town of Vernon, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated June 16, 2005, and made a part of these Minutes He pointed out the property at S72 W23645 National Avenue in the Town of Vernon on the aerial photograph, and stated the petitioner is requesting a Site Plan/Plan of Operation for the temporary outdoor retail sales of Class “C” fireworks.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-1373A.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1338B (Clay Pichler) Town of Ottawa, Section 18**

Mr. Mace presented the “Staff Report and Recommendation” dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property next to the County Line in Section 18 of the Town of Ottawa on the aerial photograph and stated the petitioner is requesting an expansion of a pending Limited Family Business Conditional Use (poured concrete foundation and flatwork contracting business) by proposing a second accessory building, 48' x 90'.

Mr. Mace explained that Mr. Pichler was approved at the May 19, 2005, meeting for a poured concrete foundation and flatwork contracting business to be operated out of a 60' x 90' accessory building/lean-to and was now proposing a second accessory building. The Commission agreed Mr. Pichler’s business was a well-kept facility and the proposed building was appropriate.

After discussion, Mr. Goodchild moved, seconded by Mrs. Kipp and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-05-OTWT-6 (Clay Pichler) Town of Ottawa, Section 18**

Mr. Mace presented the “Staff Report and Recommendation” dated May 19, 2005, and made a part of these Minutes He pointed out the location of the property next to the County Line in Section 18 of the Town of Ottawa on the aerial photograph and stated the petitioner is requesting an expansion of a pending Site Plan/Plan of Operation (poured concrete foundation and flatwork contracting business) by proposing a second accessory building, 48' x 90'.

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-1338B

After discussion, Mr. Goodchild moved, seconded by Mrs. Kipp and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **(Morton Buildings/Roger & Betty Tremaine) Town of Oconomowoc, Section 6**

Mr. Mace presented the "Staff Memorandum" dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property on the northwest corner of Mapleton Road and Pennsylvania Street in of the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting approval for a farm building on a parcel without a residence.

Mr. Mace noted that Mr. Tremaine owns a large farm, which is split into two parcels by C.T.H. "CW". The primary residence is across the street from the proposed building site, which is not uncommon on older farm parcels. Mrs. Haukohl commented if the Commission approved the request, a variance would be required because of setbacks. Mr. Mace replied that the Board of Adjustment would probably approve it as the Commission already reviewed it and the Staff's recommendation was to do so.

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Memorandum" with a modification to Condition No. 1, which will now read.

1. *The owners must file a Declaration of Restriction indicating that the two (2) parcels cannot be sold separately and said restriction filed with the Waukesha Register of Deeds office prior to the issuance of a Zoning Permit for the proposed pole barn.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **(Bernie Fiedler) Town of Ottawa, Section 25**

Mr. Mace presented the "Staff Memorandum" dated June 16, 2005, and made a part of these Minutes. He pointed out the location of the property at S52 W34098 Moraine Hills Drive in the Town of Ottawa on the aerial photograph and stated the petitioner is requesting the right to apply for an Unspecified Conditional Use Permit for a guest suite.

Mr. Mace explained that per Code, an in-law unit is allowed to only be 800 sq. ft. and that Mr. Fiedler would like to build a unit in excess of 1,100 sq. ft. This would allow his in-laws to stay with him and also be available to guests. Mr. Fiedler was only petitioning to allow him the right to apply for an Unspecified Conditional Use Permit, and then the Planning and Zoning Division Staff could do a report conditioning the approval.

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Betty Willert moved, seconded by Mrs. Mareth Kipp adjourn at 3:35 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary